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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,438	11/14/2000	Philip G. Foell	XER2 0397D/A0778	9676

7590 08/23/2004

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EXAMINER	
HECK, MICHAEL C	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/712,438	FOELL ET AL.
	Examiner	Art Unit
	Michael C. Heck	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a First Office Action in response to the application filed 14 November 2000. Claims 1-33 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 320 and 3007. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the application exceeds the 150-word limit.

4. The disclosure is objected to because of the following informalities:

- On page 6, line 18, delete "supply calculator 126", and insert -- supply calculator *124* --.
- On page 6, line 19, delete "parameters section 120", and insert -- parameters section *126* --.
- On page 13, line 26-27, delete "electrically erasable read-only memory (EEPROM)", and insert -- electrically erasable *programmable* read-only memory (EEPROM) --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. **Claims 1-12** are is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, **claim 1** only recites an abstract idea. As to claim 1, the recited steps of calculating a number of working hours available for performance of the multiple projects; estimating the time required for completion of each project; based on said time estimates, allocating a first amount of time for performance of said mandatory projects, allocating a second amount of time for performance of said ad hoc projects, and allocating a third amount of time to be held in reserve, wherein the sum of the first, second, and third amounts of time is less than or equal to said available hours; assigning tasks associated with the projects for performance; periodically inputting an actual time spent in performing the projects and a current status of each project; based on the actual time spent and current status for each project, reestimating the time required for completing each project; for each project type, determining if there exists a time imbalance between the allocated time for completion and the reestimated time for completion; and if there exists a time imbalance,

reallocating the first, second, and third amounts of time to eliminate the time imbalance does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for managing the planning and performance of multiple projects, therefore, is deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a plan (i.e., repeatable) for executing multiple projects (i.e., useful and tangible).

Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While claim 2 recites storing the estimates for each task in a database, this amounts to merely

claiming nonfunctional descriptive material that is stored where nothing is done (i.e., computing) to breathe life into the invention.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, the same rejection as stated above for claim 1 applies to **claims 2-12**.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1, 2, 4-14, 16-25, and 27-33** are rejected under 35 U.S.C. 102(a) as being anticipated by Ash (Ash, Activity Scheduling in the Dynamic, Multi-Project Setting: Choosing Heuristics Through Deterministic Simulation, Proceedings of the 1999 Winter Simulation Conference, 1999, p. 937-941 [GOOGLE]). Please note that for examination purposes, the examiner has further defined mandatory projects as precedence or critical projects, non-mandatory projects as no precedence or low precedence or non-critical or low priority projects, and ad hoc projects as new projects that are introduced during the execution of previously planned projects or multiple projects that arrive dynamically. Ash discloses a project planning system and method for accommodating Ad Hoc requests with a fixed core development cycle comprising:

- **[Claim 1]** calculating a number of working hours available for performance of the multiple projects (p. 937, section 2, Ash teaches resources needed by the

multiple projects are drawn form a common pool or set of resource pools where the number of resources is limited, that is the resources are limited to the point of being constrained);

- estimating the time required for completion of each project (p. 937, section 1, Ash teaches that tools to aid in project scheduling, once activity durations and precedence relationships are known, have existed for some time. The examiner interprets activity durations to be estimates of time required to complete each project.);

- based on said time estimates, allocating a first amount of time for performance of said mandatory projects, allocating a second amount of time for performance of said ad hoc projects, and allocating a third amount of time to be held in reserve, wherein the sum of the first, second, and third amounts of time is less than or equal to said available hours (p. 939-940, section 4, Ash teaches a deterministic simulation algorithm or program keeps a list of all the project activities that are currently precedence feasible and have not yet been initiated. It there are resources available to be assigned to start project activities, then a scheduling heuristic is used to prioritize the order in which precedence feasible activities will receive resources and be initiated. Once the priorities are established, resources are assigned to specific, precedence feasible activities and the activities are initiated. This is done until there are no more resources available. The heuristics used can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required, or even cost minimization or net present value maximization. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would certainly be the dynamic arrival of a new project. The examiner interprets that the resources are constrained, that is they cannot exceed a known or given amount, therefore when assigning the resources inherently the sum of assigned resources and unassigned resources will equal the total resource available. Resources are assigned to precedence feasible activities (relating to mandatory projects), new projects such as the dynamic arrival of new projects (Ad Hoc), and slack or unallocated time (time held in reserve) where the sum of all three cannot exceed the constrained resource total.) ;

- assigning tasks associated with the projects for performance (p. 939-940, section 4, Ash teaches that once the priorities are established, resources are assigned to specific, precedence feasible activities.);

- periodically inputting an actual time spent in performing the projects and a current status of each project (p. 939-940, section 4, Ash teaches the algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would certainly be the

dynamic arrival of a new project or the situation where a critical activity finished well ahead of schedule, or more likely, when such an activity is now expected to finish well behind its original schedule. The examiner interprets actual time is understood in order to determine whether or not an activity finished ahead or behind schedule.);

- based on the actual time spent and current status for each project, reestimating the time required for completing each project (p. 939-940, section 4, Ash teaches the algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling.);

- for each project type, determining if there exists a time imbalance between the allocated time for completion and the reestimated time for completion (p. 939-940, section 4, Ash teaches the algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. The simulation is run to determine if the change had caused a need to modify the managerial decision criteria currently in use for scheduling newly precedence feasible activities. Such simulations can be used in practice to set realistic milestones and project due dates for multiple projects at once.); and

- if there exists a time imbalance, reallocating the first, second, and third amounts of time to eliminate the time imbalance (p. 939-940, section 4, Ash teaches a deterministic simulation algorithm or program keeps a list of all the project activities that are currently precedence feasible and have not yet been initiated. It there are resources available to be assigned to start project activities, then a scheduling heuristic is used to prioritize the order in which precedence feasible activities will receive resources and be initiated. Once the priorities are established, resources are assigned to specific, precedence feasible activities and the activities are initiated. This is done until there are no more resources available. The heuristics used can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required, or even cost minimization or net present value maximization. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would certainly be the dynamic arrival of a new project. The examiner interprets that the resources are constrained, that is they cannot exceed a known or given amount, therefore when assigning the resources inherently the sum of assigned resources and unassigned resources will equal the total resource available. Resources are assigned to precedence feasible activities (relating to mandatory projects), new projects such as the dynamic arrival of new projects (Ad Hoc), and slack or unallocated time (time held in reserve) where the sum of all three cannot exceed the constrained resource total.).

- **[Claim 2]** wherein each project comprises one or more identified tasks, the estimating step including estimating the time required for completion of each of said identified tasks and storing the estimates for each task in a database (p. 937, 939-940, section 1 and 4, Ash teaches that tools to aid in project scheduling, once activity durations and precedence relationships are known, have existed for some time. The pre-conditions for using deterministic simulation as an activity scheduling tool are: establishing databases for critical project resource pools. Having the activity information for known projects loaded into a project management software program, and installing the deterministic simulation algorithm into the project management software program. The examiner interprets the activity information to include activity duration.).

- **[Claim 4]** logging positive and negative time imbalances for future estimates (p. 939-940, section 4, Ash teaches the algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the situation where a critical activity finished well ahead of schedule, or more likely, when such an activity is now expected to finish well behind its original schedule. The simulation is run to determine if the change had caused a need to modify the managerial decision criteria currently in use for scheduling newly precedence feasible activities. Such simulations can be used in practice to set realistic milestones and project due dates for multiple projects at once.).

- **[Claim 5]** wherein the assigning step includes assigning to a worker tasks associated with mandatory projects and tasks associated with ad hoc projects (p. 939-940, section 4, Ash teaches that the resources are usually people and the databases have the activity information for known projects loaded into a project management software program. Once the priorities are established, resources are assigned to specific, precedence feasible activities. The algorithm can be run whenever a significant change has occurred within the setting that might effect project activity scheduling, such as the dynamic arrival of a new project. The examiner interprets precedence feasible activities as relating to mandatory projects and dynamic new projects as Ad Hoc projects.).

- **[Claim 6]** the calculating step includes determining a total supply of work hours and subtracting an estimated number of hours for nonproduction activities (p. 939-940, section 4, Ash teaches databases of project resources are kept updated and accessible to include characteristics associated with each specific resource. For human resources, such characteristics may include annual vacation schedule. If there are resources available to be assigned to start project activities, then the scheduling heuristic is used to prioritize the order in which precedence feasible activities will receive resources and be initiated.

The examiner interprets the process of determining if resources are available as being the calculating step to determine a total supply of work hours and that vacation schedule relates to nonproduction activities.).

- **[Claim 7]** wherein a negative time imbalance is eliminated by decreasing the allocation for the time held in reserve (p. 938-940, section 3 and 4, Ash teaches decision rule, or heuristic, that is known to be effective toward minimizing project extension and maximizing resource utilization can be especially valuable. Deterministic simulation is an effective tool for choosing the heuristic that best fits the projects and activities under consideration and the critical performance criteria for a specific setting. The heuristic used in each simulation test can be quite simple or they can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required. A deterministic simulation algorithm can then be used to test a full set of heuristics with the project activities and resource levels for a specific situation. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the situation where a critical activity finished well ahead of schedule, or more likely, when such an activity is now expected to finish well behind its original schedule. The simulation is run to determine if the change had caused a need to modify the managerial decision criteria currently in use for scheduling newly precedence feasible activities. Such simulations can be used in practice to set realistic milestones and project due dates for multiple projects at once. The examiner interprets that since one of the goals of a heuristic rules is to minimize project extensions, then reducing or eliminating slack time to maintain the original project duration is proper.).

- **[Claim 8]** wherein a positive time imbalance is eliminated by increasing the allocation for the ad hoc projects (p. 938-940, section 3 and 4, Ash teaches decision rule, or heuristic, that is known to be effective toward minimizing project extension and maximizing resource utilization can be especially valuable. Deterministic simulation is an effective tool for choosing the heuristic that best fits the projects and activities under consideration and the critical performance criteria for a specific setting. The heuristic used in each simulation test can be quite simple or they can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required. A deterministic simulation algorithm can then be used to test a full set of heuristics with the project activities and resource levels for a specific situation. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the dynamic arrival of a new project or the situation where a critical activity finished well ahead of schedule. The examiner interprets that since one of the goals of a heuristic rules is to maximize resource allocation,

then allocating positive time imbalance to the ad hoc projects is a proper option.).

- **[Claim 9]** wherein a positive time imbalance is eliminated by re-identifying one or more nonmandatory projects as mandatory projects and increasing the allocation for the mandatory projects (p. 939-940, section 4, Ash teaches that when an activity completes, it frees up resources, which can be used to start new activities that are waiting on the precedence feasible list. In addition, the completion of one activity may make one or more new activities precedence feasible. In which case the new activities are add to the precedence feasible list. The cycle repeats until there are no precedence feasible activities left.).

- **[Claim 10]** wherein a positive time imbalance is eliminated by increasing the allocation for the time held in reserve (p. 938-940, section 3 and 4, Ash teaches decision rule, or heuristic, that is known to be effective toward minimizing project extension and maximizing resource utilization can be especially valuable. Deterministic simulation is an effective tool for choosing the heuristic that best fits the projects and activities under consideration and the critical performance criteria for a specific setting. The heuristic used in each simulation test can be quite simple or they can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required. A deterministic simulation algorithm can then be used to test a full set of heuristics with the project activities and resource levels for a specific situation. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the dynamic arrival of a new project or the situation where a critical activity finished well ahead of schedule. The simulation could be run to determine if the change had caused a need to modify the managerial decision criteria currently in use for scheduling newly precedence feasible activities. The examiner interprets the change to be evaluated to determine if managerial decision criteria is to be changed to include the option of increasing the slack time for activities completed ahead of schedule.).

- **[Claim 11]** wherein a positive time imbalance is eliminated by establishing an earlier estimated completion date for one or more projects (p. 938-940, section 3 and 4, Ash teaches decision rule, or heuristic, that is known to be effective toward minimizing project extension and maximizing resource utilization can be especially valuable. Deterministic simulation is an effective tool for choosing the heuristic that best fits the projects and activities under consideration and the critical performance criteria for a specific setting. The heuristic used in each simulation test can be quite simple or they can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required. A deterministic simulation algorithm can then be used to test a full set of heuristics with the project activities and

resource levels for a specific situation. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the dynamic arrival of a new project or the situation where a critical activity finished well ahead of schedule. Such simulations can be used in practice to set realistic milestone and project due dates for multiple projects at once. The examiner interprets activities that finish well ahead of schedule and setting realistic milestones and project due dates to be estimating an earlier completion date.).

- **[Claim 12]** wherein: if there exists any negative time imbalance, reallocating the first, second, and third amounts of time to eliminate any negative time imbalance; and if there exists any positive time imbalance, performing one or both of reallocating the first, second, and third amounts of time to eliminate any positive time imbalance; and re-identifying one or more nonmandatory projects as mandatory (p. 938-940, section 3 and 4, Ash teaches decision rule, or heuristic, that is known to be effective toward minimizing project extension and maximizing resource utilization can be especially valuable. Deterministic simulation is an effective tool for choosing the heuristic that best fits the projects and activities under consideration and the critical performance criteria for a specific setting. When an activity completes, it frees up resources, which can be used to start new activities that are waiting on the precedence feasible list. In addition, the completion of one activity may make one or more new activities precedence feasible. In which case the new activities are add to the precedence feasible list. The cycle repeats until there are no precedence feasible activities left. The heuristic used in each simulation test can be quite simple or they can be complicated combinations that relate to activity duration, activity slack, the number of resources or type of resources required. A deterministic simulation algorithm can then be used to test a full set of heuristics with the project activities and resource levels for a specific situation. The algorithm can be run whenever a significant change has occurred with the setting that might effect project activity scheduling. Such an event would be the dynamic arrival of a new project or the situation where a critical activity finished well ahead of schedule, or more likely, when such an activity is now expected to finish well behind its original schedule. The simulation is run to determine if the change had caused a need to modify the managerial decision criteria currently in use for scheduling newly precedence feasible activities. Such simulations can be used in practice to set realistic milestones and project due dates for multiple projects at once.).

Claims 13, 14, 16-25, and 27-33 substantially recites the same limitations as that of claims 1, 2 and 4-12 with the distinction of the recited method being an information

handling system and a planning system. Hence the same rejection for claims 1, 2 and 4-12 as applied above applies to claims 13, 14, 16-25, and 27-33.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 3, 15 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ash (Ash, Activity Scheduling in the Dynamic, Multi-Project Setting: Choosing Heuristics Through Deterministic Simulation, Proceedings of the 1999 Winter Simulation Conference, 1999, p. 937-941 [GOOGLE]) in view of Bowers et al. (Bowers et al., A Practical Application of a Multi-Project Scheduling Heuristic, Production and Inventory Management Journal, Fourth Quarter 1996, p. 19-25 [PROQUEST]). Please note that for examination purposes, the examiner has further defined mandatory projects as precedence or critical projects, non-mandatory projects as no precedence or low precedence or non-critical or low priority projects, and ad hoc projects as new projects that are introduced during the execution of previously planned projects or multiple projects that arrive dynamically. As to **claim 3**, Ash discloses a project planning system and method for accommodating Ad Hoc requests with a fixed core development cycle but fails to teach the estimating step is based on previously performed tasks of a similar nature. Bowers et al. teach the development of an effective project scheduling

methodology used at Tanner Companies, Inc., a manufacturer of ladies high quality fashion clothing. Resource types are identifies in Table 1. The model was used to schedule Tanner's jackets department for a one-week period based on historical data. Since the required sewing time per garment remained fixed, the model schedule naturally decreased total garment delay or waiting time by the corresponding 63.33 hours in the week studied (p. 19, 20, and 23). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the historical data estimates of Bowers et al. with the teachings of Ash since Ash teaches that it is old and well known in the heuristic art to relate to activity duration where such simulations can be used in practice to set realistic milestone and project due dates for multiple projects at once. Confidence in a model or simulation program is paramount to management trusting the results and implementing the recommended actions. Using real time or historical data based on past performance enhances the credibility of the estimates or input data and allows for testing of the model or simulation. Therefore, the management's confidence in the model or simulation program is enhanced thus allowing the recommended actions to be implemented with confidence in the anticipated result..

Claims 15 and 26 substantially recites the same limitations as that of claim 3 with the distinction of the recited method being an information handling system and a planning system. Hence the same rejection for claims 3 as applied above applies to claims 15 and 26.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arbabi et al. (U.S. Patent 5,619,695) disclose an improved scheduling system that is effective in scheduling resources in a complex resource constrained environment.
- Brown et al. (U.S. Patent 5,671,361) disclose an algorithm for scheduling a plurality of projects each comprising multiple jobs or tasks. The invention can schedule tasks/activities for large scale, multiple resource and multiple project networks that have different network and resource constraint characteristics while providing balance among different project network characteristics in order to provide and effective solution for a variety of network types.
- Babayev et al. (U.S. Patent 5,615,121) disclose a system and method for scheduling service providers to perform customer service requests.
- Kocur (U.S. Patent 5,913,201) discloses a method and apparatus for assigning a plurality of work projects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses must be delivered to the Customer Service Window at 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03 in Arlington, Virginia 22202.

mch
19 August 2004

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
A.U. 3623